




Motor Carrier Attachment 14:
Post-Accident CR for Harvest Management
Oxnard, California
HWY15MH006
(12 pages)

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 1076796	Legal: HARVEST MANAGEMENT LLC Operating (DBA):					
MC/MX #:		Federal Tax ID: 8 [REDACTED] (EIN)					
Review Type: Non-ratable Review - CSA		Focused Investigation					
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S.		Territory:				
Operation Types		Business: Corporation					
Carrier: Non-HM N/A	Intrastate	Gross Revenue: \$ [REDACTED] for year ending: 12/31/2014					
Shipper: N/A N/A	Interstate						
Cargo Tank: N/A							
Company Physical Address:							
15834 S AVENUE G SOMERTON, AZ 85350							
Contact Name: [REDACTED]							
Phone numbers: (1) [REDACTED]		(2) [REDACTED]		Fax			
E-Mail Address: [REDACTED]							
Company Mailing Address:							
[REDACTED] SOMERTON, AZ 85350							
Carrier Classification							
Exempt for Hire		Private Property					
Cargo Classification							
Fresh Produce		Farm Supply					
Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	24	0	0	Truck Tractor	16	0	0
Trailer	69	0	0				
Power units used in the U.S.:40							
Percentage of time used in the U.S.:100							
Does carrier transport placardable quantities of HM? No							
Is an HM Permit required? N/A							
Driver Information							
	Inter	Intra	Average trip leased drivers/month: 0 Total Drivers: 47 CDL Drivers: 28				
< 100 Miles:	39	0					
>= 100 Miles:	8	0					





HARVEST MANAGEMENT LLC

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Review Date:

02/25/2015

Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

US Customs Truck Compound, [REDACTED]
Nogales, AZ 85621
Phone: [REDACTED] Fa [REDACTED]

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: [REDACTED]

Title: President

Name: [REDACTED]

Title: Assistant Controller





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Part B Violations

1 FEDERAL	Primary: 382.105 Secondary: 40.47(a)	Discovered 1	Checked 11	Drivers/Vehicles In Violation 1	Checked 11
Description Using a DOT custody and control form to perform non-DOT test Example Employee name: [REDACTED] Test date: 3-10-15					
2 FEDERAL	Primary: 382.601(a)	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
Description Failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies. Example Name: Victor [REDACTED] Trip: 1-13-15					
3 FEDERAL	Primary: 382.601(b)	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
Description Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. Example Driver: [REDACTED] Trip: 1-13-15					
4 FEDERAL	Primary: 391.11(b)(6) Secondary: 391.11(a)	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
Description Failing to require driver to furnish list of motor vehicle traffic violations each 12 months. Example Driver: [REDACTED] Trip: 12-24-14					
5 FEDERAL	Primary: 391.21(a)	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
Description Using a driver who has not completed and furnished an employment application. Example Driver: [REDACTED] Trip: 12-18-14					





Part B Violations

6 FEDERAL	Primary: 391.25(b)	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
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Description

Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

Example

Driver: [REDACTED]
Trip: 2-04-15

7 FEDERAL	Primary: 391.25(c)(2)	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
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Description

Failing to maintain record of annual review in driver's qualification file.

Example

Driver: [REDACTED]
Trip: 2-04-15

8 FEDERAL	Primary: 391.45(a) Secondary: 391.11(a)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
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Description

Using a driver not medically examined and certified.

Example

Driver: [REDACTED]
Trip: 12-24-14

9 FEDERAL	Primary: 391.53(b)(2)	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
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Description

Failure to maintain in Driver Investigation History file a copy of the response(s) received for investigations required by paragraphs (d) and (e) of §391.23 from each previous employer, or documentation of good faith efforts to contact them.

Example

Driver: [REDACTED]
Trip: 12-18-14

Safety Fitness Rating Information:		OOS Vehicle (CR): 0			
Total Miles Operated	1,500,669	Number of Vehicle Inspected (CR): 0			
Recordable Accidents	1	OOS Vehicle (MCMIS): 0			
		Number of Vehicles Inspected (MCMIS): 0			

Your proposed safety rating is :

This Review is not Rated.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors





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Part B Violations

shown above may be marked "SATISFACTORY" even if they were not reviewed.

A focused investigation does not include review of all regulatory parts and factors as set forth in 49 C.F.R. Part 385, Appendix B's safety rating methodology and cannot therefore result in a SATISFACTORY safety rating. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating.





Safety Management Process Breakdowns and Remedies

1. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

Harvest Management LLC # 1076796 was cited for : using a DOT custody and control form to perform non-DOT test, driver Anselmo Anguiano Cabrera Class D license, was tested for pre-employment using a DOT custody and control form, failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies and failed to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. Carrier will review and monitor all drug testing procedures to ensure proper methods and documents are being utilized to be in compliance with the FMCSRs.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to controlled substances and alcohol. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Monitor and adjust the testing program to ensure proper annual driver sampling.
- Ensure that all test records are monitored for adherence to retention dates and nondisclosure requirements.
- Implement a system for keeping accurate records of controlled-substance and alcohol completed training needs and completed training, via software, checklist in the driver's file, and/or another appropriate method.
- Implement an effective process for monitoring and tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures.
- Provide adequate oversight of all personnel hiring and training processes, including qualification of service agents, to ensure adherence to controlled-substance and alcohol regulations and company policies and procedures.
- Maintain the following documents to help evaluate the performance of all staff (drivers and managers) involved in controlled-substance and alcohol testing and the effectiveness of the policies and procedures: Motor Vehicle Record (MVR); records related to testing, the designated employer representative (DER), return to duty, and dispatch; lists of drivers removed due to a history of controlled-substance and/or alcohol misuse and those disqualified for personal driving under the influence (DUI); substance-abuse professional (SAP) letters; and for each test type, include selection criteria, the eligibility-pool list, and the statistical laboratory summary.
- Regularly evaluate the company's controlled-substance and alcohol-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with controlled-substance and alcohol regulations and company policies.
- When monitoring and tracking issues regarding controlled substances and alcohol use, always assess whether they are individual or represent a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

2. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

Harvest Management LLC # 1076796 was cited for failing to require driver to furnish list of motor vehicle traffic





Safety Management Process Breakdowns and Remedies

violations each 12 months, using a driver who has not completed and furnished an employment application, failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive, failing to maintain record of annual review in driver's qualification file, failure to maintain in Driver Investigation History file a copy of the response(s) received for investigations required by paragraphs (d) and (e) of §391.23 from each previous employer, or documentation of good faith efforts to contact them and using a driver not medically examined and certified. Carrier will review and monitor all Driver Qualification files to ensure all tests and documents are updated on timely basis to ensure compliance with the FMCSRs.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

3. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations





Safety Management Process Breakdowns and Remedies

(violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:

<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.





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Part C

Reason for Review: [REDACTED]
Planned Action: [REDACTED]

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	■	■
	✓	✓	✓	✓	✓	✓												

Prior Reviews Prior Prosecutions Reason not Rated: CSA

[REDACTED]

Corporate Contact: [REDACTED]
Corporate Contact Title: President

Special Study Information:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] 25, 2015

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Part C

[Redacted text block]



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Part C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

<input type="checkbox"/>	<input type="checkbox"/>	No
Authorized by:		Date:
Uploaded:	Yes No	Failure Code:
Verified by:		Date:

